

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CARROLL INDEPENDENT SCHOOL
DISTRICT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
EDUCATION; ET AL.,

Defendants.

Case No. 4:24-cv-00461-O

**PLAINTIFF CARROLL INDEPENDENT SCHOOL DISTRICT'S
NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiff Carroll ISD submits the attached order (Exhibit A) and judgment (Exhibit B) vacating the Department of Education's Title IX Rule in its entirety. *See Tennessee v. Cardona*, No. 2:24-cv-00072 (E.D. Ky.). This Court should similarly vacate the entire Rule. Carroll ISD's arguments map directly onto the reasons the *Tennessee* court vacated the Rule. And the *Tennessee* order does not moot this case because the defendants there can still appeal.

Yesterday, the *Tennessee* district court vacated the Rule, concluding that it (1) exceeds the Department's statutory authority, (2) violates the First Amendment and Spending Clause of the Constitution, and (3) is arbitrary and capricious. *See* Ex. A at 1, 4–14; Ex. B at 2. Because Carroll ISD argues that the Rule is unlawful for the same reasons, *see* Pl's MSJ mem. 7–32 (ECF 59), the *Tennessee* decision confirms that this Court should similarly grant Carroll ISD's motion for summary judgment. And the *Tennessee* district court vacated the *entire* Rule, Ex. A at 12, which confirms that the Fifth Circuit's preliminary ruling that the challenged

provisions lie “at the heart of the 423-page Rule” also applies at the merits stage. *See Louisiana v. Dep’t of Educ.*, No. 24-30399, 2024 WL 3452887, at *1 (5th Cir. July 17, 2024); *accord* Pl’s MSJ Mem. 33–35.

The *Tennessee* decision does not moot this case. The defendants there have 60 days to appeal. Fed. R. App. P. 4(a)(1)(B). And should they appeal, the vacatur itself may be vacated. Thus, unless the defendants there do not appeal, Carroll ISD has no assurance that the vacatur will remain in effect and that it can avoid the irreparable harm that this Court has recognized the Rule imposes. *See Order 11–12* (ECF 43); *cf. Whitman-Walker Clinic, Inc. v. U.S. Dep’t of Health & Hum. Servs.*, 485 F. Supp. 3d 1, 59–60 (D.D.C. 2020) (“Courts routinely grant follow-on injunctions against the [federal] Government, even in instances when an earlier nationwide injunction” has been issued.) (collecting cases).

This Court should vacate the rule in its entirety.

Respectfully submitted this 10th day of January 2025.

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CERTIFICATE OF SERVICE

I certify that on January 10, 2025, this document was served on all counsel of record via the Court's CM/ECF system.

/s/ *Mathew W. Hoffmann*

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